

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of )  
 )  
NATIONAL SCIENCE AND TECHNOLOGY )  
NETWORK, INC. )  
 )  
Request To Initiate a Modification of License )  
Proceeding for Land Mobile Radio Station )  
WIL337 )

**ORDER**

**Adopted: July 23, 2007**

**Released: July 25, 2007**

By the Deputy Chief, Mobility Division, Wireless Telecommunications Bureau:

1. On February 27, 2007, National Science and Technology Network, Inc. (NSTN) filed a request to initiate a proceeding to modify the license of Mobile Relay Associates (MRA) for Industrial/Business Pool Station WIL337, Saddle Peak and Sierra Peak, California.<sup>1</sup> For the reasons discussed below, we deny the request.

2. NSTN requests that the license for Station WIL337 be modified to reduce the number of authorized mobile units because the current number of authorized mobile units, when combined with the number of mobile units authorized by NSTN's license for co-channel Industrial/Business Pool Station WPLT688, San Rafael Hills, California, exceeds the maximum channel loading permitted by Section 90.313(a) of the Commission's Rules.<sup>2</sup> The request is not well-taken, because Station WIL337 was licensed before Station WPLT688.<sup>3</sup> Therefore, if the loading limit is in fact being exceeded, the solution would lie in modifying or revoking NSTN's license for Station WPLT688. We note, however, that MRA previously challenged the frequency coordination for Station WPLT688, and the proceeding has been fully adjudicated.<sup>4</sup> Consequently, we will not revisit the matter.

3. Accordingly, IT IS ORDERED, pursuant to Sections 4(i) and 316 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 316, and Section 1.41 of the Commission's Rules, 47 C.F.R. § 1.41, that the request to initiate license modification proceedings filed by National Science and Technology Network, Inc. on February 27, 2007, IS DENIED.

<sup>1</sup> See Request to Initiate License Modification of WIL337 filed on February 27, 2007 by NSTN.

<sup>2</sup> 47 C.F.R. § 90.313(a).

<sup>3</sup> MRA's license for Station WIL337 was granted in 1993, while NSTN's license for Station WPLT688 was granted in 1998.

<sup>4</sup> See *Mobile Relay Associates, Inc., Order*, 15 FCC Rcd 1361 (WTB PSPWD 1999), *aff'd*, *Order on Further Reconsideration*, 16 FCC Rcd 909 (WTB), *aff'd*, *Memorandum Opinion and Order*, 17 FCC Rcd 365 (2001) (the Commission affirmed the Wireless Telecommunications Bureau's decision that the coordination and filing of NSTN's application was consistent with established Commission policy and rules).

4. This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

Scot Stone  
Deputy Chief, Mobility Division  
Wireless Telecommunications Bureau